

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAVIDSON CHUKWUKA,

Plaintiff,

- against -

CITY OF NEW YORK, NEW YORK CITY HUMAN RESOURCES ADMINISTRATION, and RICHARD BECK, DIRECTOR OF BUREAU OF RECONCILIATION AND CONTROL, NEW YORK CITY HUMAN RESOURCES ADMINISTRATION FINANCE OFFICE and SHERRY BERKOWITZ,

Defendants.

DEFENDANTS' NOTICE OF SUPPLEMENTAL MOTION FOR SUMMARY JUDGMENT ON PLAINTIFFS' CLAIMS UNDER ERISA AND HIS CLAIMS OF EMPLOYMENT FRAUD AND CONSTRUCTIVE DISCHARGE

05 Civ. 4331 (MGC)

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PLEASE TAKE NOTICE that upon defendants' Rule 56.1 Statement in Support of their Motion for Summary Judgment, dated May 18, 2011, the Declaration of Isaac Klepfish, May 18, 2011 and the exhibits annexed thereto, the Declaration of Erin Andrews, dated April 29, 2011 (annexed to the Klepfish Declaration as Exhibit "C"), and the Supplemental Memorandum of Law in Support of Defendants' Supplemental Motion for Summary Judgment and upon all prior pleadings and proceedings, defendants will move this Court on June 23, 2011 at 9:30 a.m. before the Honorable Miriam Goldman Cedarbaum, United States District Judge for the Southern District of New York, in Courtroom 14A at the United States District Courthouse located at 500 Pearl Street, New York, New York pursuant to Rule 56 of the Federal Rules of Civil Procedure, granting summary judgment on plaintiff's claims under ERISA and his claims of employment fraud and constructive discharge and dismissing the complaint against defendants in its entirety, together with such other and further relief the Court deems just and proper.

Pursuant to the Individual Practices of this Court, answering papers must be received by all parties by noon on Wednesday of the week before the return date, i.e., June 15, 2011. Reply papers, if any, must be received by all parties by noon on Tuesday of the week of the return date, i.e., June 21, 2011.

Dated: New York, New York
May 18, 2011

MICHAEL A. CARDOZO
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By:


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SUPPLEMENTAL MOTION FOR SUMMARY
JUDGMENT ON PLAINTIFF'S CLAIMS
UNDER ERISA AND HIS CLAIMS OF
EMPLOYMENT FRAUD AND
CONSTRUCTIVE DISCHARGE**

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Of Counsel: Isaac Klepfish
Tel: (212) 788-0897
NYCLIS No.

Due and timely service is hereby admitted.

New York, N.Y., 200 ...

..... Esq.

Attorney for.....